



## New Jersey Department of Children and Families Policy Manual

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Subchapter:	6	Management of Resource Family Homes	
Issuance:	700	<b>Suspension, Restricted Use and Closure of Resource Homes</b>	

### Suspension and Restricted Use of Foster Homes

3-16-2009

The Institutional Abuse Investigation Unit (IAIU), the Resource Family Support Unit (RFSU), the State Central Registry (SCR), the CP&P Local Office (LO), and the Office of Licensing (OOL) each can have a role in the determination to suspend a resource family home to additional/new placements as a **remedial action**, pending the outcome of the IAIU investigation, or to restrict the use of the resource family home.

Resource family homes are put on suspension by the State Central Registry upon receipt of an allegation of abuse/neglect against the home/provider. See screening policy, [CP&P-II-A-1-100](#). The Resource Family Support Unit that supervises the home is responsible for lifting the suspension, when appropriate, upon receipt of input from the investigating IAIU Regional Office and the Office of Licensing. See IAIU policy, [CP&P-II-A-2-200](#), CPS Reports in Types of Reports, and [CP&P-IV-E-2-100](#), Suspensions.

**Only the OOL can suspend a resource family parent's license. A home cannot operate as a CP&P resource family home while its license is suspended, i.e., no foster child can remain in the home until the license is restored. A resource family home can be suspended to new placements by the RFSU, IAIU or OOL, but not have its license suspended.**

A child protective service investigation regarding a foster, birth, adopted, step, or other child in a resource family home, or an investigation of a violation of the Manual of Requirements for Children's Foster Homes, can result in:

- The suspension of the home (i.e., no new placements permitted) pending the outcome of the investigation or the completion of a corrective action or treatment plan; or
- The suspension (temporary removal) of the resource family parent's license, resulting in the removal of all foster children from the home.

Restricted use of a resource family home can indicate the Division's decision, or a resource family parent's request, to:

- Limit the number of children placed in the resource family home; or
- Limit the resource family home to a particular foster child, or to identify a type of child that may only be placed in the home.

### **The Role of the Resource Family Support Unit (RFSU) 4-14-2003**

The RFSU staff act as the liaison between the IAIU, the LO and OOL staff by receiving and conveying information regarding a child protective service investigation or an alleged violation of the Manual of Requirements for Children's Foster Homes occurring in a foster home.

IAIU, LO or OOL staff advise the RFSU of its recommendations, in writing, at the conclusion of its investigation. The RFSU monitors the corrective action or treatment plan. See policy at [CP&P-IV-E-2-100](#).2, Corrective Action Process (Resource Family Homes) and CP&P Form [5-77](#), Resource Family Corrective Action Plan.

### **Suspension or Restricted Use Due to an Abuse or Neglect Investigation of a Foster Child 3-16-2009**

State Central Registry (SCR) screens child protective service reports regarding foster children in resource family homes, or foster children in adoptive placements not yet finalized, to determine whether an institutional abuse or neglect investigation is warranted. See [CP&P-II-A-1-100](#).

When an investigation is warranted, the SCR Screener documents the report in NJ SPIRIT (which can be printed as DCF Form [1-1](#), Screening Summary, codes it CPS-IAIU), and assigns the intake to an IAIU Regional Office to investigate. The intake is also used to notify the RFSU, OOL, and the Local Office Manager of each LO which has a child placed in the home of the incident/allegation. The **SCR Screener suspends the home in NJS, to prevent new placements**, while IAIU proceeds with its investigation.

The IAIU Investigator assesses each child's safety and well-being in the home; reaches out to the assigned CP&P Worker for assistance with safety planning, transporting children, etc.; and gathers evidence to conduct and conclude a viable investigation. For details on completing an IAIU investigation, see IAIU policy, [CP&P-IV-E-1-200](#), Investigation Process.

The IAIU Investigator provides a preliminary recommendation, in writing, to the LO staff, RFSU, and OOL within eight (8) working days of SCR assigning the report to IAIU. This initial report includes a recommendation whether to resume use of the resource family home while the investigation proceeds. The report is referred to as IAIU's "eight day report."

Within 60 calendar days of receipt of the assignment from SCR, the IAIU makes its official finding determination, and provides a finding determination letter. Copies of the letter are provided to the LO, RFSU and OOL, to document the results of IAIU's investigation. See IAIU policy, [CP&P-IV-E-1-400](#), for a list of IAIU finding determination

notification letters. The LO files a copy of the IAIU investigation finding determination notification letter in the case record of each child placed in the resource family home. IAIU may recommend one of the following actions:

- Continue use of the resource family home;
- Continue suspension of the home to new placements, under a corrective action plan;
- Restrict use of the resource family home;
- Close the resource family home and revoke the license.

**The Resource Family Support Unit monitors compliance with IAIU recommendations.** The RFSU is responsible for lifting the suspension, when appropriate, based on recommendations from IAIU and OOL.

IAIU advises OOL and the Area Office Contract Unit of a child abuse or neglect investigation regarding a foster child in a Contracted Agency home.

#### **Suspension or Restricted Use Due to a Violation of the Manual of Requirements for Resource Family Parents 4-14-2003**

The OOL investigates an allegation of a violation of the Manual of Requirements for Children's Foster Homes, monitors the corrective action plan to ensure that each violation cited is corrected, and evaluates and re-inspects the foster home.

The OOL notifies the RFSU when an investigation of a violation of the Manual of Requirements for Children's Foster Homes occurs, and makes a recommendation regarding the continued use of the home, suspension of a home to new placements or suspension due to the temporary removal of the license.

The RFSU notifies the Office Manager of each LO who has a child under supervision in the home.

OOL staff monitor the corrective action plan as a result of a violation and work in conjunction with the RFSU toward a resolution. If, in addition to a violation of the Manual of Requirements for Children's Foster Homes, IAIU is conducting a child protective service investigation, the OOL, IAIU and the RFSU work in conjunction with each other to make a determination as to the status of the foster home and continued use of the home for current and future placements.

**The RFSU updates NJS, as appropriate at the conclusion of the OOL investigation or abatement of the violation, to indicate the foster home is approved for continued use or approved for restricted use. The OOL makes necessary changes to NJS when the home is closed/license is revoked.**

## Disagreement Resolution

4-14-2003

If a disagreement occurs between the IAIU, LO, RFSU, and/or OOL staff during, or at the conclusion of, an investigation regarding a recommendation for continued use, restricted use or closure of a foster home, managerial/administrative staff from the respective command chains communicate with each other to resolve the conflict at the lowest possible level. Serious conflicts may need to be resolved, ultimately, by the Assistant Director, Intergovernmental Affairs (who oversees IAIU), the Deputy Director, Program Operations (who oversees all LO/RFSU operations) and the Chief of Staff (who oversees OOL).

## Approval Process for Foster Child to Remain in the Home when Abuse or Neglect Is Substantiated 4-1-2013

When child abuse or neglect is Substantiated in a resource family home, approval of the CP&P Director or Designee is required, if a foster child is to remain in the home. In addition, the approval of the Chief of OOL is required if the resource family home is to remain open. **The Chief of OOL must approve continued use of a resource family home where child abuse or neglect of any child in the resource family home has been Substantiated.**

If, after careful consideration of the full circumstances of the situation and any IAIU findings and recommendations, the LO determines:

- that neither the resource family parent nor household member has caused serious injury or harm to a child, has caused the death of a child due to child abuse/neglect, or has sexually abused a child,
- that neither the resource family parent nor any member of the household poses a threat to the safety of the foster child, and
- it is in the best interest of the child to remain in the resource family home,

the LO responsible for supervision of the foster child for whom the request is being made, in conjunction with and/or through the RFSU, may request special approval for the child to remain in the resource family home.

To request special approval, the following process ensues:

- The LO, in conjunction with the RFSU, submit a recommendation in memo form, along with written documentation, IAIU finding and recommendations, report(s), evaluation(s), and any other pertinent material which supports the determination, to the CP&P Director or Designee for his or her approval.
- The CP&P Director or Designee, if in agreement that the child remain in the home, forwards a recommendation for the home to remain open to the Chief of OOL.

- The Chief of OOL reviews the documentation and recommendations and gives a final decision to the CP&P Director. A final report is provided to the responsible RFSU, LO, and IAIU. (See Disagreement Resolution, above, for disagreement with the final approval.)
- The LO files the investigation report and the final approval in the child's case record maintained by the LO.
- The RFSU files a copy of the final approval in the resource family home record maintained by the RFSU.

The OOL files a copy of the final approval in the resource family home record maintained by the OOL.

The IAIU files a copy of the final approval with the investigation report.

See Rejection on the Basis of Child Abuse Record Information (CARI) in [CP&P-IV-C-10-200](#).

#### **Approval Process for Foster Child to Remain in the Home when Abuse or Neglect Is Established      4-1-2013**

When child abuse or neglect is Established in a resource family home, the Worker and Supervisor conference the case to determine the best course of action to pursue to ensure child safety and address permanency concerns. If warranted, pursue corrective action. See [CP&P-IV-E-2-100](#), Corrective Action Process (Resource Family Homes).

#### **Reasons for Suspending, Revoking or Refusing to Renew a License of a Resource Home      9-17-2012**

“The Office of Licensing shall suspend, revoke or refuse to renew a license, as applicable, if the applicant, resource family parent or any household member at least 18 years of age has been convicted of a crime or offense specified in N.J.S.A. 30:4C-26.8.

The Office of Licensing is authorized to...revoke or refuse to renew a license for good cause, including, but not limited to, the following:

1. Failure to comply with the provisions of this chapter;
2. Violation of the terms and conditions of a license;
3. Fraud or misrepresentation in obtaining a license;
4. Refusal to furnish the Department with files, reports or records as required by this chapter;

5. Refusal to permit an authorized representative of the Department to gain admission to the home or to conduct an inspection or investigation;
6. A conviction by the applicant, resource family parent or a household member at least 18 years of age for any crime or offense;
7. A determination by the Department that a report of child abuse or neglect by the applicant, resource family parent or a household member has been substantiated;
8. Any conduct, engaged in or permitted, which adversely affects or presents a serious hazard to the education, health, safety, general well-being or physical, emotional and social development of a child, or which otherwise fails to comply with the standards required for the provision of resource family care to a child and the maintenance of a resource family home;
9. Failure to be in full compliance with one or more level I requirements;
10. Failure to be in substantial compliance with one or more level II requirements;
11. Failure to abate outstanding violations of level II requirements by the next annual or renewal inspection, whichever comes first; or
12. Failure to comply with the terms and conditions of a waiver granted by the Office of Licensing. (N.J.A.C. 10:122C-2.5(a) & (b))”

**Closure of the Home/Revocation of the License Due to Substantiated Abuse or Neglect of Child Placed in the Resource Family Home 4-1-2013**

When IAIU Substantiates that a child placed in a resource family home has been abused or neglected by the resource family parent (i.e., the service provider, also known as the licensee) or another household member; or a report of child abuse or neglect is Established, particularly if this is not the first such incident, or there is evidence of a pattern of abusive or neglectful behavior in the home, IAIU notifies the Office of Licensing (OOL), responsible for the license status of the home, and the CP&P Local Office Resource Family Support Unit (RFSU), which supervises the home and is responsible for the placement status of the home. **The home remains in suspended status until the matter is resolved.**

Substantiation by IAIU constitutes grounds for OOL to cite a violation of the provider's license, which is often sufficient, by itself, to refer the matter to the OOL Administrative Services Unit for enforcement and probable license revocation. If the IAIU finding is Established, OOL weighs the mitigating and aggravating factors of the case in determining the course of action to pursue.

The OOL Administrative Services Unit notifies the licensee, the CP&P or Contracted Agency sponsor of the home, and various Department of Children and Families, CP&P, and OOL administrative staff, outlining the Office of Licensing's intent to revoke the license within a prescribed time frame (generally within 20 calendar days of receipt of notification). The Resource Parent is sent the substantiation letter by both **Certified and Regular mail. Retain a copy for the case record.**

Click [here](#) to view instructions on sending letter by certified mail.

This lead time allows the licensee to appeal OOL's decision. At the same time, if children remain in the home, the sponsor agency may consider whether a CARI waiver should be pursued in accordance with [CP&P-IV-B-2-300](#), Waivers. If there is no appeal by the licensee or the appeal does **not** alter OOL's decision, and/or no waiver request is submitted by the sponsor, then the license revocation action becomes effective on the originally intended date; OOL closes out the license.

Once the license is revoked, the sponsor - the Resource Family Support Unit for CP&P or the Contracted Agency, as applicable - closes the home in NJ SPIRIT.

Any appeals that cannot be settled locally are routed through the Department of Children and Families' Administrative Hearings Unit to the Office of Administrative Law (OAL). Appeals of licensing actions filed by the provider/licensee may be merged with appeals of IAIU finding determinations (finding: Substantiated; Substantiated perpetrator).

Due process, per the **Administrative Procedures Act**, applies to any occasion when the Office of Licensing takes adverse action, such as an action to deny, suspend, refuse to renew, or revoke a license. OOL is primarily responsible for determining when and how to take action against a license.

The waiver of a Substantiated finding to allow continued licensure does not change IAIU's investigation finding, and often occurs when the appeal option is exhausted or the time frame was missed. If OOL approves the CARI waiver, see Waiver of Child Abuse/Neglect Substantiation - Child Abuse Record Information (CARI) in [CP&P-IV-B-2-300](#). OOL restricts the license to permit the home to serve only the children named in the waiver request.

#### **Local Office Manager Determines Whether to Request a Waiver** **4-1-2013**

The Institutional Abuse Investigation Unit (IAIU) sends the final results of its investigation to the Local Office Manager within 60 calendar days of commencing the investigation; the LO Manager shares the information with the Resource Family Support Unit Supervisor and appropriate staff. IAIU notifies the LO Managers of any offices supervising other CP&P children in the resource family home as well that child abuse/neglect was Substantiated or Established, particularly if this is not the first such incident, or there is evidence of a pattern of abusive or neglectful behavior in the home.

A copy of the IAIU investigation finding determination notification letter is to be filed in the case record of each child placed in the resource family home.

The LO Manager prepares a memo within 30 calendar days of receipt of the IAIU finding determination letter. The LO Manager sends this memo to the IAIU Corrective Action/CQI Coordinator, responding to any recommendations made in the course of the IAIU investigation regarding the status of the home or the continued placement of any child in the home. Any persons/entities who received the IAIU eight day report should be noticed in the LO's proposed corrective action plan. See IAIU policy, [CP&P-IV-E-2-100](#), Corrective Action Process.

When there are allegations of abuse or neglect of a birth/adopted child in the resource family home, IAIU notifies SCR, and the Local Office is responsible for conducting the investigation (coded CPS-Family).

Based upon the investigation information, IAIU recommendations regarding continued use of the home, and other available information, the Resource Family Support Unit Supervisor makes a recommendation to the LO Manager whether OOL should proceed with revoking the license, or CP&P should be permitted continued use of the home as a placement resource for that child or other children. Proceed in accordance with the CARI waiver process (see Waiver of Child Abuse/Neglect Substantiation - Child Abuse Record Information (CARI) and Waiver Approval Authority in [CP&P-IV-B-2-300](#)).

The recommendation is based upon:

- The circumstances of the abuse or neglect, as determined by the IAIU investigation;
- The specific type of abuse or neglect, and the specific allegation (from the Allegation-Based System, see [CP&P-II-B-1](#) throughout);
- Documentation of previously reported incidents of abuse or neglect, whether or not Substantiated, and the circumstances pertaining to each prior incident;
- Special circumstances which caused the abuse or neglect, and whether these are likely to recur;
- The child's relationship to his or her birth parent(s), and the status of the case goal/permanency plan;
- Remedial action, taken by the resource family or the Division to resolve the problems;
- Corrective action - Can a viable plan be developed and implemented, to keep the child safe in the resource family home? See IAIU policy, [CP&P-IV-E-2-100](#), Corrective Action.



- If the LOM recommends continued use of the home, he or she submits CP&P Form [17-1](#), Waiver Request, to the CP&P Director. Upon approval, the Director forwards the waiver request to the Chief of the Office of Licensing. See Procedures for Obtaining a Waiver in [CP&P-IV-B-2-300](#).
- When the decision is confirmed to close the resource family home, whereby OOL proceeds with revoking the license, the LO Manager informs the resource family parents of this determination, in writing. The LO provides IAIU and the Office of Licensing a copy of this documentation, and notifies all other Local Offices using the home that the home is closed.

Every effort is made to provide the necessary **support to the resource family** through this difficult time. These supports may include referral to the local or State Foster and Adoptive Family Services (FAFS) organization, or to other individuals, advocates, or organizations.

Note: If CP&P becomes aware of the substantiation before OOL, and the Local Office recommends that the license be revoked, the LO notifies OOL on CP&P Form [5-2m](#), Resource Family Home Recommendation.

A waiver is not required for the Local Office's continued use of a home in which an Established finding was made.

### **Closure Due to Substantiated Abuse or Neglect of the Birth/Adopted Children in the Foster Home 4-1-2013**

When a report on a birth child in a resource family home is received at SCR, the report is assigned to, and handled by the Local Office as it would be for any client. See [CP&P-II-C-5-1100](#). Notify the Resource Family Support Unit Supervisor of the report and **make no further placements** in the resource family home **until** the investigation is completed and a decision is made about continued use of the home. The Resource Family Support Unit Worker notifies the resource family parents in person and in writing that use of the home is temporarily suspended pending the outcome of the investigation.

Based upon the nature of the report, the investigating Worker makes an assessment regarding the well-being of **all** the children in the home and takes steps to provide protection as is necessary. See [CP&P-II-C-5-1100](#).

Upon completion of the investigation, the Resource Family Support Unit Supervisor is informed of the outcome. The investigating Worker and Supervisor make a recommendation to the Resource Family Support Unit Supervisor about the continued use of the home. The determination is based on criteria in Reasons for Suspending, Revoking or Refusing to Renew a License of a Resource Home, above, as required by regulations.

The Resource Family Support Unit Supervisor assesses the information concerning the investigation and makes a recommendation to the LO Manager about continued use of the home.

If the LO Manager determines that the resource family home should be closed, based on a finding of Substantiated or Established, the procedures outlined in [CP&P-IV-B-4-100](#) are followed. If children are placed in the home, appropriate steps are taken for their removal. See [CP&P-IV-B-7-200](#).

When the LO Manager recommends that the home remain open, despite a finding of Substantiated, a Special Approval Request (i.e., a waiver request) is forwarded to the CP&P Director, including a recommendation as to whether the home be restricted to current placements only. The resource family parents are informed in writing of the decision whether the home is to remain open, and of any special contingencies, and of their right to discuss and/or appeal the judgments or contingencies. A waiver is not required for the Local Office's continued use of a home in which an Established finding was made regarding the birth children.